

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** November 5, 2013  
**SUBJECT:** BZA Case 18555-A, 3343 Prospect Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following:

- § 2003, Changing Uses within Structures.

Subject to the following condition:

1. The hours of operation shall be 7:00 a.m. to 9:30 p.m., Monday through Friday, and 9:00 a.m. to 9:30 p.m., Saturdays and Sundays.

**LOCATION AND SITE DESCRIPTION**

|                                    |   |
|------------------------------------|---|
| Address                            | 3343 Prospect Street, N.W.  |
| Legal Description                  | Square 1220, Lot 30   |
| Ward                               | 2   |
| Lot Characteristics                | Rectangular corner lot with no alley access                       |
| Zoning                             | R-3: Row houses   |
| Existing Development               | One-story commercial building divided into five retail spaces     |
| Historic District                  | Georgetown  |
| Adjacent Properties                | Two and three-story row houses, small and medium apartment houses |
| Surrounding Neighborhood Character | Moderate density residential                                      |

**II. HISTORY**

On June 5, 2013 the Board granted a special exception to permit the conversion of three of the five retail spaces totaling 2,381 square feet within the building located at 3343 Prospect Street, N.W. to yoga studio, yoga apparel and yoga accessories uses, pursuant to §§ 2003.1 and 3104.1 of the Zoning Regulations. On September 12, 2013 the applicant filed a request for a modification to that application to permit the addition of a fourth retail space for the proposed retail use, increasing the square footage by 594 square feet, for a total of 2,975 square feet. On October 8, 2013 the Board



determined that the request was not a minor modification and scheduled the case for a public hearing.

### **III. APPLICATION IN BRIEF**

The application proposes the conversion of a fourth retail space within the existing building to yoga studio, with the accessory sale of yoga apparel and yoga accessories. This space, which was last for furniture upholstery, is contiguous to the other three spaces previously approved by the Board for use as a yoga studio.

No building construction is proposed.

### **IV. OFFICE OF PLANNING ANALYSIS**

#### **a. Special Exception Relief pursuant to § 2003, Changing Uses within Structures**

*2003.1 If approved by the Board of Zoning Adjustment, as authorized in §§ 3103 and 3104 for variances and special exceptions, a nonconforming use may be changed to a use that is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right, subject to the conditions set forth in this section.*

Furniture stores, including repair incidental to a permitted use, are first permitted within the Zoning Regulations within the C-1 district, pursuant to §§ 701.5 and 721.3(l) respectively. A yoga studio, or “group instruction center or studio” is also first permitted within the C-1 under § 701.1(j). Uses clearly incidental to a permitted use, in this case the sale of yoga apparel and yoga accessories, are permitted within the C-1 pursuant to § 701.5 of the Zoning Regulations.

*2003.2 The proposed use shall not adversely affect the present character or future development of the surrounding area in accordance with this title. The surrounding area shall be deemed to encompass the existing uses and structures within at least three hundred feet (300 ft.) in all directions from the nonconforming use.*

The surrounding area includes a mixture of residential, commercial and institutional uses. Yoga studio, including the proposed yoga accessory uses, was approved by the Board for three spaces within the subject building. The expansion of the proposed use into a contiguous fourth space consisting of 594 feet would not adversely affect the character or development of the area, and would still be a commercial use designed to cater to the local community.

*2003.3 The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.*

The proposed use would cater to the surrounding neighborhood, minimizing the amount of vehicular traffic generated to the site as most patrons would be expected to walk to the site. It would take place entirely indoors only. All refuse would be stored inside, and placed outside on collection day only, similar to the existing situation, and the same as for the other three retail spaces within the building already approved by the Board for use as yoga studio, yoga accessories and yoga apparel.

*2003.4 When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use.*

The applicant understands that the space previously occupied by the furniture upholster may only be dedicated to uses permitted within the C-1 or lesser intensive zone districts.

*2003.5 In Residence Districts, the proposed use shall be a dwelling, flat, apartment house, or a neighborhood facility.*

The proposed expansion of a yoga studio, yoga accessories and yoga apparel use would constitute the expansion of a neighborhood facility designed to cater primarily to residents of the surrounding neighborhood.

*2003.6 For the purpose of this section, the districts established by this title are listed in the following order of decreased use restriction:*

- (a) W-0, R-1-A, R-1-B, R-2, R-3, R-5-A, R-4, R-5-B, R-5-C, R-5-D, and R-5-E;*
- (b) SP-1 and SP-2;*
- (c) C-1, C-2-A, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD);*
- (d) W-1, W-2, and W-3;*
- (e) CR; and*
- (f) C-M-1, C-M-2, C-M-3, and M.*

Yoga studio and the accessory sale of yoga apparel and yoga accessories are uses first permitted within the C-1 district, the same as for furniture store and repair incidental to a furniture store. Therefore, the application proposes converting the use of the space from one C-1 use to another only.

*2003.7 The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting,*

*nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.*

The Office of Planning recommends that the hours of operation be limited to 7:00 a.m. to 9:30 p.m., Monday through Friday, and 9:00 a.m. to 9:30 p.m., Saturdays and Sundays, the same as was approved under BZA Application 18555 for the other three retail spaces to be occupied by the proposed use.

**b. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposed use is first permitted in the same zone district as the existing use, in harmony with the intent of the Zoning Regulations and the zoning of the property.

**c. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The proposed use would not tend to affect adversely the use of neighboring property. It would be an expansion of the use approved by the Board on June 12, 2013 into a fourth space, within a commercial building designed and used for commercial uses since at least in 1955. The change in use would continue the commercial use of a retail space that would primarily serve the local community, minimizing the amount of traffic generated to the site. No food would be served and refuse would continue to be stored within the building and placed outside for collection only.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other District agencies.

**VI. COMMUNITY COMMENTS**

ANC 2E, at its regularly scheduled public meeting on November 4, 2013, voted to not object to the application.

Attachment: Location Map

